

Title 16, PHYSICAL THERAPY BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, Hearing Room at 2005 Evergreen Street, Sacramento, CA 95815 on Thursday, August 7, 2008 at 10:00 a.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physical Therapy Board of California at its office not later than 5:00 p.m. on **August 4, 2008** or must be received at the hearing. The Physical Therapy Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 2615 of the Business and Professions Code to implement, interpret or make specific Sections 700-704, 2676, and 2684 and of said Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law creates the Physical Therapy Board of California and authorizes it to regulate physical therapists and physical therapist assistants, requiring that they be licensed and renew such licenses every two years. Chapter 540 of the Statutes of 2006 (Assembly Bill 120), effective January 1, 2007, authorized the board to require that its licensees complete continuing competency as a condition of renewal and requires that program be established by regulation.

The proposed regulations make specific the criteria for satisfying the continuing competency requirements as a condition for license renewal of physical therapists and physical therapist assistants. The proposed regulations specify when, how and under what circumstances a licensee may accumulate qualifying continuing competency hours, administrative provisions for enforcing the requirements an inactive status and waiver provisions.

The objective of the proposal is to implement a comprehensive scheme to require continuing competency of board licensees that is administratively functional.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

- 1) AB 120 (Cohn) (stats. 2006, ch. 540)
- 2) Business and Professions Code section 2676
- 3) The Federation of State Boards of Physical Therapy 's Physical Therapy Continuing Competency Model
- 4) The American Heart Association's Healthcare Professional Training Courses

Impact on Jobs/New Businesses:

Since there are approximately 26,000 licensees regulated by the Physical Therapy Board of California who will be required to complete 30 hours of continuing competency from an approved provider, it has been determined that this regulatory proposal will likely create or expand jobs and businesses who become, or currently are, providers of continuing education.

Cost Impact on Private Persons or Entities:

The Physical Therapy Board of California is aware that there is a cost associated with requiring completion of continuing education as a condition of licensure renewal since the licensee will be required to pay a continuing competency processing fee to the Physical Therapy Board of California. Additionally, the licensee would bear the costs associated with meeting the criteria set forth in the regulation.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physical Therapy Board of California has determined that the proposed regulations could affect small businesses by creating or expanding the provision of continuing competency.

CONSIDERATION OF ALTERNATIVES

The Physical Therapy Board of California has determined that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

Copies of the prepared initial statement of the reasons for the proposed action and all the information upon which the proposal is based may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815. The proposed regulations and initial statement of reasons may also be found at www.ptb.ca.gov.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of the reasons and all of the other information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815. The proposed regulations and initial statement of reasons may also be found at www.ptb.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be addressed to:

Rebecca Marco
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815
(916) 561-8260
(916) 263-2560 – Fax Number
Rebecca_Marco@dca.ca.gov

The backup contact person is:

Debi Mitchell
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815
(916) 561-8251
(916) 263-2560 – Fax Number
Debi_Mitchell@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Rebecca Marco at (916) 561-8260.

Website Access: Materials regarding this proposal can be found at www.ptb.ca.gov.